

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BRIAN LEONARD,	)	
	)	
Plaintiff,	)	CASE No. 1:09cv1229
-vs-	)	
	)	JUDGE CHRISTOPHER A. BOYKO
	)	
UNITE HERE LOCAL, 171,	)	<u>ORDER</u>
	)	
	)	
Defendants.	)	

This matter is before the Court on Plaintiff's "Motion for Judgement On the Pleadings" [sic] (Dkt.#11), and the Magistrate Judge's Amended Report and Recommended Decision (Dkt.#14). For the following reasons, the Court adopts the recommendation and denies Plaintiff's Motion.

Rule 12(c) of the Federal Rules of Civil Procedure provides that "After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings." The Defendant has been granted an extension of time until September 24, 2009 to file an Answer. This being so, the pleadings are not closed, and Plaintiff's Motion is premature.

In addition, the Motion does not reflect that the Plaintiff is entitled to judgment in his favor as a matter of law, the standard applicable to a Rule 12(c) motion. Therefore, the Amended Report and Recommended Decision is adopted, and Plaintiff's Motion for Judgment on the Pleadings is denied.

IT IS SO ORDERED.

s/Christopher A. Boyko  
JUDGE CHRISTOPHER A. BOYKO  
UNITED STATES DISTRICT COURT

DATE: 9/15/2009